

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Stacy A. Livingston
Robin L. Livingston
Debtor(s)

Bankruptcy Case No.: 16-70736-JAD
Issued Per May 4, 2017 Proceeding
Chapter: 13
Docket No.: 42 – 22, 33
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 23, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,672 as of May 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Deutsche Bank National Trust Co. at Claim No. 4 .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 10, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Stacy A. Livingston
 Robin L. Livingston
 Debtors

Case No. 16-70736-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 28

Date Rcvd: May 10, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 12, 2017.

db/jdb
 14311369 +Stacy A. Livingston, Robin L. Livingston, 1344 Hill Drive, Blairsville, PA 15717-6627
 +Andrew F. Gornall, Esquire, KML Law Group, P.C., 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 14311371 +Bank of America, PO Box 31785, Tampa, FL 33631-3785
 14311370 +Bank of America, PO Box 660933, Dallas, TX 75266-0933
 14311372 +Credit Acceptance, Attn: Bankruptcy Dept, 25505 West 12 Mile Rd Ste 3000,
 Southfield, MI 48034-8331
 14357605 DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FO, Bank of America, PO Box 31785,
 Tampa, FL 33631-3785
 14311375 +Deutsche Bank National Trust Company, Trustee For Bank Of America, P.O. Box 31785,
 Tampa, FL 33631-3785
 14327387 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Corporation, Ford Motor Credit, Po Box 6275,
 Dearborn, MI 48121)
 14311376 +Ford Motor Credit Company, LLC, 1060 Andrew Drive, Suite 170, West Chester, PA 19380-5601
 14311377 +HSBC Consumer Lending (USA) Inc., c/o McCalla Raymer, LLC, Bankruptcy Department,
 1544 Old Alabama Road, Roawell, GA 30076-2102
 14311378 +I C Federal Credit Union, 31 South 10th Street, Indiana, PA 15701-2658
 14311379 +John Palmer, 141 Palmer Road, Blairsville, PA 15717-6631
 14311380 +KML Law Group, P.C., 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 14311382 +Matthew K. Fissel, Esquire, KML Law Group, P.C., Suite 5000 - BNY Mellon Independence Cen,
 701 Market Street, Philadelphia, PA 19106-1538
 14327394 +NCB Management Services, Inc., One Allied Drive, Trevose, PA 19053-6945
 14311383 +NCB Managemetn Services, Inc., P.O. Box 1099, Langhorne, PA 19047-6099
 14325387 +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14311385 +Peoples TWP, 225 North Shore Drive, Pittsburgh, PA 15212-5860
 14327397 +Progressive Insurance, 6300 Wilson Mills Rd, Mayfield Village, OH 44143-2182
 14311386 S. James Wallace, Griffith McCague & Fernsler PC, Suite 3626 Gulf Tower, 707 Grant Street,
 Pittsburgh, PA 15219
 14321984 Wells Fargo Bank, N.A., d/b/a WFDS, P.O. Box 19657, Irvine, CA 92623-9657
 14311387 +Wells Fargo Financial / Wachovia Dealer, P.O. Box 3569, Rancho Cucamonga, CA 91729-3569
 14311384 +penelec, 2800 Pottsville Pike, Reading, PA 19605-2459

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14401655 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 11 2017 01:24:23
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 14311373 +E-mail/Text: bankruptcy_notifications@ccsusa.com May 11 2017 01:15:02
 Credit Collections Svc, Po Box 773, Needham, MA 02494-0918
 14311374 +E-mail/PDF: creditonebknofications@resurgent.com May 11 2017 01:18:27 Credit One Bank,
 Po Box 98873, Las Vegas, NV 89193-8873
 14311381 E-mail/PDF: resurgentbknofications@resurgent.com May 11 2017 01:18:44 LVNV Funding,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14356608 E-mail/PDF: resurgentbknofications@resurgent.com May 11 2017 01:18:29
 LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FO
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14327380* +Andrew F. Gornall, Esquire, KML Law Group, P.C., 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 14327382* +Bank of America, PO Box 31785, Tampa, FL 33631-3785
 14327381* +Bank of America, PO Box 660933, Dallas, TX 75266-0933
 14327383* +Credit Acceptance, Attn: Bankruptcy Dept, 25505 West 12 Mile Rd Ste 3000,
 Southfield, MI 48034-8331
 14327384* +Credit Collections Svc, Po Box 773, Needham, MA 02494-0918
 14327385* +Credit One Bank, Po Box 98873, Las Vegas, NV 89193-8873
 14327386* +Deutsche Bank National Trust Company, Trustee For Bank Of America, P.O. Box 31785,
 Tampa, FL 33631-3785
 14327388* +HSBC Consumer Lending (USA) Inc., c/o McCalla Raymer, LLC, Bankruptcy Department,
 1544 Old Alabama Road, Roawell, GA 30076-2102
 14327389* +I C Federal Credit Union, 31 South 10th Street, Indiana, PA 15701-2658
 14327390* +John Palmer, 141 Palmer Road, Blairsville, PA 15717-6631
 14327391* +KML Law Group, P.C., 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 14327392* LVNV Funding, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14327393* +Matthew K. Fissel, Esquire, KML Law Group, P.C., Suite 5000 - BNY Mellon Independence Cen,
 701 Market Street, Philadelphia, PA 19106-1538
 14327396* +Peoples TWP, 225 North Shore Drive, Pittsburgh, PA 15212-5860
 14327398* S. James Wallace, Griffith McCague & Fernsler PC, Suite 3626 Gulf Tower, 707 Grant Street,
 Pittsburgh, PA 15219
 14327399* +Wells Fargo Financial / Wachovia Dealer, P.O. Box 3569, Rancho Cucamonga, CA 91729-3569

District/off: 0315-7

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 28

Date Rcvd: May 10, 2017

***** BYPASSED RECIPIENTS (continued) *****
14327395* +penelec, 2800 Pottsville Pike, Reading, PA 19605-2459

TOTALS: 1, * 18, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 12, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 10, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR
THE HOLDERS OF NEW CENTURY HOME EQUITY LOAN TRUST, SERIES 2005-A, ASSET BACKED PASS-THROUGH
CERTIFICATES bkgroup@kmlawgroup.com

Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

Paul W. McElrath, Jr. on behalf of Joint Debtor Robin L. Livingston ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com

Paul W. McElrath, Jr. on behalf of Debtor Stacy A. Livingston ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

Thomas I. Puleo on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE
HOLDERS OF NEW CENTURY HOME EQUITY LOAN TRUST, SERIES 2005-A, ASSET BACKED PASS-THROUGH
CERTIFICATES tpuleo@goldbecklaw.com, BKGroup@goldbecklaw.com

TOTAL: 6